

§ 16.20

the same meaning as assigned to it by the Act.

[T.D. ATF-294, 55 FR 5421, Feb. 14, 1990, as amended by T.D. ATF-425, 65 FR 11892, Mar. 7, 2000; T.D. TTB-44, 71 FR 16925, Apr. 4, 2006]

Subpart C—Health Warning Statement Requirements for Alcoholic Beverages

§ 16.20 General.

(a) *Domestic products.* On and after November 18, 1989, no person shall bottle for sale or distribution in the United States any alcoholic beverage unless the container of such beverage bears the health warning statement required by § 16.21. It is the responsibility of the bottler to provide, upon request, sufficient evidence to establish that the alcoholic beverage was bottled prior to November 18, 1989.

(b) *Imported products.* On and after November 18, 1989, no person shall import for sale or distribution in the United States any alcoholic beverage unless the container of such beverage bears the health warning statement required by § 16.21. This requirement does not apply to alcoholic beverages that were bottled in the foreign country prior to November 18, 1989. It is the responsibility of the importer to provide, upon request, sufficient evidence to establish that the alcoholic beverage was bottled prior to such date.

§ 16.21 Mandatory label information.

There shall be stated on the brand label or separate front label, or on a back or side label, separate and apart from all other information, the following statement:

GOVERNMENT WARNING: (1) According to the Surgeon General, women should not drink alcoholic beverages during pregnancy because of the risk of birth defects.

(2) Consumption of alcoholic beverages impairs your ability to drive a car or operate machinery, and may cause health problems.

(Authority: Sec. 8001, Pub. L. 100-690, 102 Stat. 4181, 27 U.S.C. 215)

§ 16.22 General requirements.

(a) *Legibility.* (1) All labels shall be so designed that the statement required by § 16.21 is readily legible under ordi-

27 CFR Ch. I (4–1–12 Edition)

nary conditions, and such statement shall be on a contrasting background.

(2) The first two words of the statement required by § 16.21, i.e., “GOVERNMENT WARNING,” shall appear in capital letters and in bold type. The remainder of the warning statement may not appear in bold type.

(3) The letters and/or words of the statement required by § 16.21 shall not be compressed in such a manner that the warning statement is not readily legible.

(4) The warning statement required by § 16.21 shall appear in a maximum number of characters (i.e., letters, numbers, marks) per inch, as follows:

Minimum required type size for warning statement	Maximum number of characters per inch
1 millimeter	40
2 millimeters	25
3 millimeters	12

(b) *Size of type.* (1) Containers of 237 milliliters (8 fl. oz.) or less. The mandatory statement required by § 16.21 shall be in script, type, or printing not smaller than 1 millimeter.

(2) Containers of more than 237 milliliters (8 fl. oz.) up to 3 liters (101 fl. oz.). The mandatory statement required by § 16.21 shall be in script, type, or printing not smaller than 2 millimeters.

(3) Containers of more than 3 liters (101 fl. oz.). The mandatory statement required by § 16.21 shall be in script, type, or printing not smaller than 3 millimeters.

(c) *Labels firmly affixed.* Labels bearing the statement required by § 16.21 which are not an integral part of the container shall be affixed to containers of alcoholic beverages in such manner that they cannot be removed without thorough application of water or other solvents.

[T.D. ATF-294, 55 FR 5421, Feb. 14, 1990, as amended by T.D. 372, 61 FR 20723, May 8, 1996; T.D. TTB-91, 76 FR 5477, Feb. 1, 2011]

Subpart D—General Provisions

§ 16.30 Certificates of label approval.

Certificates of label/bottle approval or certificates of exemption from label approval on TTB Form 5100.31, issued pursuant to parts 4, 5, and 7 of this

chapter for imported and domestically bottled wine, distilled spirits, and malt beverages, shall not be approved with respect to such beverage bottled on and after November 18, 1989, unless the label for the container of such beverage bears the health warning statement required.

[T.D. ATF-294, 55 FR 5421, Feb. 14, 1990, as amended by T.D. ATF-425, 65 FR 11892, Mar. 7, 2000]

§ 16.31 Exports.

The regulations in this part shall not apply with respect to alcoholic beverages that are produced, imported, bottled, or labeled for export from the United States, or for delivery to a vessel or aircraft, as supplies, for consumption beyond the jurisdiction of the internal revenue laws of the United States: *Provided*, That this exemption shall not apply with respect to alcoholic beverages that are produced, imported, bottled, or labeled for sale, distribution, or shipment to members or units of the Armed Forces of the United States, including those located outside the United States.

§ 16.32 Preemption.

No statement relating to alcoholic beverages and health, other than the statement required by §16.21, shall be required under State law to be placed on any container of an alcoholic beverage, or on any box, carton, or other package, irrespective of the material from which made, that contains such a container.

§ 16.33 Civil penalties.

(a) *General*. Any person who violates the provisions of this part shall be subject to a civil penalty of not more than \$10,000, and each day shall constitute a separate offense.

(b) *Adjusted penalty for violations occurring after October 23, 1996*. Pursuant to the provisions of the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended, the civil penalty provided for in paragraph (a) of this section shall be periodically adjusted in accordance with inflation. Accordingly, for violations occurring after Oc-

tober 23, 1996, the civil penalty shall be not more than \$11,000.

[T.D. ATF-385, 61 FR 54936, Oct. 23, 1996]

PART 17—DRAWBACK ON TAXPAID DISTILLED SPIRITS USED IN MANU- FACTURING NONBEVERAGE PRODUCTS

Subpart A—General Provisions

Sec.

- 17.1 Scope of regulations.
- 17.2 Forms prescribed.
- 17.3 Alternate methods or procedures.
- 17.4 OMB control numbers assigned under the Paperwork Reduction Act.
- 17.5 Products manufactured in Puerto Rico or the Virgin Islands.
- 17.6 Signature authority.
- 17.7 Delegations of the Administrator.

Subpart B—Definitions

- 17.11 Meaning of terms.

Subpart C—Registration

- 17.21 Registration.
- 17.22 Employer identification number.
- 17.23 Application for employer identification number.

Subpart D [Reserved]

Subpart E—Bonds and Consents of Sureties

- 17.101 Bonds in general.
- 17.102 Amount of bond.
- 17.103 Bonds obtained from surety companies.
- 17.104 Deposit of collateral.
- 17.105 Filing of powers of attorney.
- 17.106 Consents of surety.
- 17.107 Strengthening bonds.
- 17.108 Superseding bonds.

TERMINATION OF BONDS

- 17.111 General.
- 17.112 Notice by surety of termination of bond.
- 17.113 Extent of release of surety from liability under bond.
- 17.114 Release of collateral.

Subpart F—Formulas and Samples

- 17.121 Product formulas.
- 17.122 Amended or revised formulas.
- 17.123 Statement of process.
- 17.124 Samples.
- 17.125 Adoption of formulas and processes.
- 17.126 Formulas for intermediate products.
- 17.127 Self-manufactured ingredients treated optionally as unfinished nonbeverage products.